

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA,	§	CRIMINAL ACTION NO.
Plaintiff,	§	
	§	4:16-CR-176
v.	§	
	§	
JAMES MORRIS BALAGIA,	§	
Defendant.	§	

**DEFENDANT’S MOTION FOR LEAVE TO FILE RESPONSE TO GOVERNMENT’S
MOTION FOR PROTECTIVE ORDER OUT OF TIME**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE MAZZANT:

Defendant James Morris Balagia files this Motion for Leave to File Response to Government’s Motion for Protective Order Out of Time, which is attached hereto.

In support of this motion, Defendant Balagia’s undersigned attorney states that counsel did not include a Response to the Protective Order in the previous filings pertaining to discovery, because counsel is unopposed to a protective order that protects information that is subject to protection under the rules. However, upon re-reading the Motion for Protective Order subsequent to and in light of proceedings against counsel that occurred subsequent to the government serving the motion for protective order, counsel seeks to ensure that any protective order granted does not limit disclosure beyond that required and seeks to respond to the suggestions that counsel violated rules. Quite frankly, upon quick reading on January 18, counsel thought the motion was an

ordinary motion for a protective order when filed and did not understand the surrounding circumstances, nor recognize that the motion seems to request greater secrecy than required by the rules.

For the foregoing reasons, Defendant Balagia respectfully requests that the Court grant this Motion for Leave to file his Response to Government's Motion for Protective Order Out of Time.

Respectfully submitted,

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Certificate of Service

I certify that on April 9, 2019, this document was filed with the Clerk of the Court using the electronic case filing system that automatically sends notice of electronic filing to the attorneys of record who have consented to accept such service.

/S/DAPHNE PATTISON SILVERMAN
Daphne Pattison Silverman

Certificate of Conference

I certify that I emailed AUSA Rattan whether the government opposes this motion. AUSA Rattan failed to respond.

/S/DAPHNE PATTISON SILVERMAN
Daphne Pattison Silverman